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SEP 28 2006

Appl. No. 10/765,031
Amdt. dated September 27, 2006
Reply to Office Action of July 5, 2006

REMARKS

Claims 1, 4-6, and 8-14 are pending in this application. Claim 2 has been previously canceled, and claims 3 and 7 are being canceled in the present amendment.

Claim 1 is allowed and remains as amended in the manner set forth in the Preliminary Amendment filed January 26, 2004.

Claim 4 has been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 5 has been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 6 remains unamended from the form appearing in patent 5,433,064 and depends from allowable claim 5. Therefore, claim 6 is in condition for allowance.

Claim 8 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 9 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 10 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 11 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 12 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

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Claim 13 remains dependent upon allowable claim 12 and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Claim 14 was newly added in the Preliminary Amendment filed January 26, 2004. It has now been placed in independent form and is therefore in full condition for allowance as provisionally indicated in the last Office Action.

Accompanying this response and made a part hereof, pursuant to 37 C.F.R. 1.173(c), is SECOND STATEMENT OF STATUS AND SUPPORT FOR CHANGES TO CLAIMS. Also submitted is a Supplemental Declaration from the Assignee.

Canadian Patent 2188870 corresponding to U.S. Patent 5,433,064 is the subject of a pending re-examination procedure in the Canadian Patent Office. The Requester in that Canadian proceedings is the same party that has filed protests in these U.S. reissue proceedings, namely MacDon Industries Ltd. MacDon's counsel has suggested that Requester's most recent comments submitted in the Canadian proceedings be submitted in these U.S. reissue proceedings so that the examiner might be able to consider them in connection with reaching a decision in the U.S. reissue proceedings. Accordingly, enclosed herewith is a copy of REMARKS OF REQUESTER ON RE-EXAMINATION OF A PATENT UNDER SECTION 48.1(1) OF THE PATENT ACT from the Canadian re-examination proceedings received June 20, 2006, together with a transmittal letter from MacDon's counsel dated May 15, 2006.

MacDon's counsel also suggested that an English language translation of EP 00116661 (Maier) be submitted in these U.S. reissue proceedings. Accordingly, a copy of the English language translation of EP 00116661 (Maier) as provided by MacDon's counsel in the Canadian re-examination proceedings is submitted herewith.

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In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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By 

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ATTORNEYS FOR APPLICANT(S)

(Docket No. 222970REI)